

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT  
219 South Dearborn Street  
Chicago, Illinois 60604

January 5, 2022

Chief Judge Diane S. Sykes

No. 07-21-90079

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against the judge who presides over his civil case. He challenges the judge's denial of his motions to compel and for sanctions against opposing counsel. He also complains about the judge's refusal to schedule status conferences or set the case for trial or settlement conference until after the defendants' motion summary judgment is resolved. Finally, he accuses the judge and opposing counsel of discriminating against him because of his race.

Allegations directly related to the merits of the judge's decisions are not proper grounds for a misconduct complaint. 28 U.S.C. § 352(b)(1)(A)(ii). "Any allegation that calls into question the correctness of an official action of a judge ... is merits related." STEPHEN BREYER ET AL., IMPLEMENTATION OF THE JUDICIAL CONDUCT AND DISABILITY ACT OF 1980: A REPORT TO THE CHIEF JUSTICE 145 (2006). To the extent that the complainant challenges the judge's procedural or substantive rulings, the allegations are merits related and the complaint must be dismissed. § 352(b)(1)(A)(ii). The allegation that the judge discriminated against the complainant based on his race is wholly unsupported and likewise must be dismissed. § 352(b)(1)(A)(iii); *see* RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. 11(c)(1)(D). The discrimination allegations against opposing counsel do not fall within the scope of the Judicial Conduct and Disability Act. §§ 351(a), (d)(1); *see* RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. 1(b)(explaining that the Act is limited to misconduct and disability proceedings involving federal judges).

For the foregoing reasons, the complaint is dismissed pursuant to §§ 352(b)(1)(A)(i), (ii), and (iii). The complainant may petition the Judicial Council of the Seventh Circuit for review of this order in accordance with Rule 18(b) of the *Rules for Judicial-Conduct and*

*Judicial-Disability Proceedings*. 28 U.S.C. § 352(c); *see* RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. 11(g)(3). A petition for review must be filed in the clerk's office of the United States Court of Appeals for the Seventh Circuit not later than 42 days of the date of this order.